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## FACSIMILE TRANSMITTAL COVER SHEET

DATE: February 17, 2005 ATTORNEY DOCKET NUMBER: KCC 4782  
(K.C.17,029)

PTO FACSIMILE NUMBER: (703) 872-9306

PLEASE DELIVER THIS FACSIMILE TO: Examiner Mark Halpern  
THIS FACSIMILE IS BEING SENT BY: Christopher M. Goff, Esq.  
NUMBER OF PAGES: 17 INCLUDING COVER SHEETTIME SENT: 9:31am OPERATOR'S NAME Daphne H. Moore

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to  
the Patent and Trademark Office on the date shown below.Daphne H. Moore  
Typed or printed name of person signing certificationFebruary 17, 2005  
\_\_\_\_\_  
Signature DateType of paper transmitted: Copy of December 17, 2004 submission of  
Petition Requesting Withdrawal of the Holding of Abandonment; Copy of  
August 9, 2004 submission of AMENDMENT C faxed to PTO and Transmission  
Receipts of facsimiles sent August 9, 2004 and December 17, 2004Applicant's Name: Tameka Spence et al.Serial No. (Control No.): 10/039,237 Examiner: Mark HalpernFiling Date: December 31, 2001 Art Unit: 1731Application Title: PROCESS FOR MANUFACTURING A CELLULOSIC PAPER  
PRODUCT EXHIBITING REDUCED MALODORIF YOU DO NOT RECEIVE ALL PAGES CLEARLY, CALL BACK AS SOON AS  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Spence, et al.

Art Unit 1731

Serial No. 10/039,237

Filed December 31, 2001

Confirmation No.: 7293

For PROCESS FOR MANUFACTURING A CELLULOSIC PAPER PRODUCT

EXHIBITING REDUCED MALODOR

Examiner Mark Halpern

December 17, 2004

PETITION REQUESTING WITHDRAWAL OF THE HOLDING OF  
ABANDONMENT OF A PATENT APPLICATION UNDER 37 C.F.R. § 1.181(a)

TO THE COMMISSIONER FOR PATENTS AND TRADEMARKS,

SIR:

Applicants petition to request withdrawal of the holding of abandonment in the above-referenced patent application. A Notice of Abandonment dated December 9, 2004 was sent to inform Applicants that the application has been abandoned for failure to timely file a proper response to the Office Action dated May 11, 2004, and that the proposed response to that communication, which was filed on August 9, 2004, was never received.

As demonstrated in the following paragraphs and in view of the enclosures, Applicants timely submitted an Amendment C via facsimile on August 9, 2004. Accordingly, the Notice of Abandonment was issued in error and the holding of abandonment must be withdrawn and examination resumed.

KCC 4782  
K-C 17,029  
PATENT

**A. STATEMENT OF FACTS AND REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

The following facts are based on a reasonable and diligent investigation of the circumstances leading to the issuance of the Notice of Abandonment.

1. On May 11, 2004, The Office mailed and the Applicants received a Non-final Office Action setting a shortened statutory period of three months for reply.
2. On August 9, 2004, Applicants submitted an Amendment C in response to the Office Action via facsimile.
3. On November 15, 2004, Examiner Halpern called, stating that the Office had not yet received a response to the Office Action dated May 11, 2004. Mr. Goff (Reg. No. 41,785), Applicants' attorney, noted that Amendment C was submitted in response to the Office Action via facsimile on August 9, 2004. Additionally, Mr. Goff offered to resubmit Amendment C along with a copy of the facsimile receipt showing receipt of Amendment C on August 9, 2004 by the Office. Examiner Halpern stated that resubmitting Amendment C was not necessary and that he would call Mr. Goff back if he failed to receive Amendment C.
4. On December 9, 2004, the Office mailed and the Applicants received a Notice of Abandonment for failure to timely file a proper reply to the Office Action mailed on May 11, 2004.
5. On December 16, 2004, Mr. Goff telephoned Examiner Halpern to discuss the Notice of Abandonment. Examiner Halpern instructed Mr. Goff to resubmit Amendment C along with the facsimile receipt showing the original submission of Amendment C

KCC 4782  
K-C 17,029  
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dated August 9, 2004 to Examiner Halpern's personal facsimile number (additional copies of Amendment C and the facsimile receipt are enclosed with the instant Petition). Additionally, Mr. Goff was instructed to file the enclosed Petition Requesting Withdrawal of the Holding of Abandonment. Examiner Halpern stated that Applicants would not be required to pay the Petition fee.

6. The enclosed Petition Requesting Withdrawal of the Holding of Abandonment of a Patent Application Under 37 C.F.R. § 1.181 is being filed less than two months after learning of the Notice of Abandonment.

7. In view of the foregoing, Applicants respectfully submit that the Notice of Abandonment was issued in error, and that the application has never been abandoned.

8. Applicants believe a petition fee is not required. Nonetheless, in the event that a fee is deemed necessary, the Office is directed to charge any required fee to Deposit Account No. 19-1345.

#### B. Summary

In view of the foregoing, Applicants respectfully submit that the Office must withdraw the holding of abandonment reflected in the Notice of Abandonment. Applicants further request that the Office enter the Amendment C and that the Amendment C be accorded its actual filing date of August 9, 2004.

The Office is invited to contact the undersigned should any issues remain.

KCC 4782  
K-C 17,029  
PATENT

The Commissioner is hereby authorized to charge any deficiency or overpayment of the required fee to Deposit Account No. 19-1345.

Respectfully submitted,



Christopher M. Goff, Reg. No. 41,785  
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CMG/JMB/dhm  
Via Facsimile (703) 872-9306

\* Enclosures

USPTO

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## Auto-Reply Facsimile Transmission



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Daphne R. Moore 12-17-04  
Signature Date

Type of paper transmitted: Petition to Withdrawal Holding  
of Abandonment, Amendment C (originally sent August 9, 2004);  
Facsimile Receipt dated August 9, 2004

Applicant's Name: Kimberly-Clark Worldwide, Inc.

Serial No. (Control No.): 10/032,777 Examiner: Halpern

Filing Date: December 31, 2001 Art Unit: 1731

Application Title: PROCESS FOR MANUFACTURING A CELLULOSE PAPER  
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